

PTO/SB/21 (08-03)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	10/729,069
		Filing Date	December 4, 2003
		First Named Inventor	Carsten MUENK
		Art Unit	1645
		Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	8	Attorney Docket Number	532792000100

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement, 3 pages <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Form 1449, 2 pages (in duplicate) (29) References Return Postcard
Remarks CUSTOMER NO. 25225		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	MORRISON & FOERSTER LLP Bruce D. Grant - 47,608
Signature	
Date	May 4, 2004

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.	
Dated: May 4, 2004	Signature: (Rhea Amid)



PATENT
Docket No. 532792000100

CERTIFICATE OF MAILING BY "FIRST CLASS"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on May 7, 2004.

Rhea Amid

Rhea Amid

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Carsten MUENK et al.

Serial No.: 10/729,069

Filing Date: December 4, 2003

For: ALPHA-COMPLEMENTATION VIRAL
FUSION ASSAY

Examiner: Unassigned

Group Art Unit: 1645

**INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Pursuant to the USPTO notice dated July 11, 2003, waiving the requirement under 37 C.F.R. § 1.98 (a)(2)(i) to provide copies of U.S. Patents and U.S. Published Applications, copies of those references are not submitted. Copies of foreign documents and non-patent literature are submitted herewith. The Examiner is requested to make these documents of record.

This Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114.
- ☒ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - ☐ A fee is required. A check in the amount of ___ is enclosed.
 - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below; accordingly; no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a check in the amount of ___ is enclosed.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 532792000100. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: May 4, 2004

Respectfully submitted,

By: 

Bruce D. Grant

Reg. No. 47,608

Morrison & Foerster LLP

3811 Valley Centre Drive, Suite 500

San Diego, California 92130-2332

Telephone: (858) 720-7962

Facsimile: (858) 720-5125

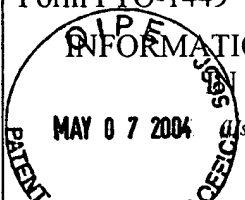
Form PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION <i>(Use several sheets if necessary)</i>	Docket Number 532792000100	Application Number 10/729,069
	Applicant Carsten MUENK et al.	
	Filing Date December 4, 2003	Group Art Unit 1645
	Mailing Date May <u>4</u> , 2004	

- | | |
|-----|--|
| 18. | Dutch et al., <i>Biosci. Rep.</i> 20(6):597-612 (2000). |
| 19. | Graham et al., <i>Viol.</i> 52:456-67 (1973). |
| 20. | Hammaraskjold et al., <i>Biochem. Biophys. Acta.</i> 989:269-280 (1989). |
| 21. | Hope et al., <i>Proc. Nat'l. Acad. Sci. U.S.A.</i> 87:7787-91 (1990). |
| 22. | Klatzmann et al., <i>Nature</i> 312:767-768 (1984). |
| 23. | Langley and Zabin, <i>Biochemistry</i> 15:4866 (1976). |
| 24. | Lenburg and Landau, <i>J. Virol.</i> 67:7238-45 (1993). |
| 25. | Light et al., <i>J. Biol. Chem.</i> 249:2285 (1974). |
| 26. | Maddon et al., <i>Cell</i> 42:93-104 (1985). |
| 27. | Maddon et al., <i>Cell</i> 47:333-348 (1986). |
| 28. | McDougal et al., <i>Science</i> 231:382-385 (1986). |
| 29. | Moosmann and Rusconi, <i>Nucleic Acids Res.</i> 24(6):1171-1172 (1996). |
| 30. | Morgenstern and Land, <i>Nucleic Acids Res.</i> 18(12):3587-96 (1990). |
| 31. | Onishi et al., <i>Exp. Hematol.</i> 24:324-329 (1996). |
| 32. | Overbaugh et al., <i>Microbiol. & Mol. Biol. Rev.</i> 65:371-389 (2001). |
| 33. | Raviv et al., <i>Virology</i> 293:243-51. (2002). |
| 34. | Richards and Vithayathil, <i>J. Biol. Chem.</i> 234:1459-1465 (1959). |
| 35. | Söllner et al., <i>Nature</i> 362:318-24 (1993). |
| 36. | Strizki et al., <i>Proc. Nat'l. Acad. Sci. U.S.A.</i> 98(22):12718-12723 (2001). |
| 37. | Sutton et al., <i>Nature</i> 395:347-53 (1998). |
| 38. | Vodicka et al., <i>Virology</i> 233:193-98 (1997). |
| 39. | Wild et al., <i>Proc. Nat'l. Acad. Sci. U.S.A.</i> 91(21):9770-9774 (1994). |
| 40. | York-Higgins et al., <i>J. Virol.</i> 64:4016-4020 (1990). |
| | |
| | |
| | |

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

Form PTO-1449  INFORMATION DISCLOSURE CITATION IN AN APPLICATION (Use several sheets if necessary)	Docket Number 532792000100	Application Number 10/729,069
	Applicant Carsten MUENK et al.	
	Filing Date December 4, 2003	Group Art Unit 1645
	Mailing Date May <u>4</u> , 2004	

U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	08/1995	5,444,161	Manning et al.	536	4.1	
	2.	08/2000	6,096,917	Hornback et al.	560	43	
	3.	08/2000	6,100,426	Mauldin et al.	562	440	
	4.	08/2000	6,103,922	Hornback et al.	560	43	
	5.	08/2000	6,103,923	Mauldin et al.	560	43	
	6.	09/2000	6,124,494	Mauldin et al.	560	43	
	7.	10/2000	6,127,422	Colacino et al.	514	569	
	8.	12/2000	6,156,924	Hornback et al.	560	43	
	9.	01/2001	6,175,034	Mauldin et al.	560	5	
	10.	01/2001	6,180,815	Mauldin et al.	560	5	
	11.	01/2001	6,180,816	Mauldin et al.	560	5	

FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO

OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

Examiner Initials	Ref. No.	Title
	12.	Allaway et al., <i>AIDS Res. Hum. Retrovir.</i> 11:533-539 (1995).
	13.	Baba et al., <i>Proc. Nat'l. Acad. Sci. U.S.A.</i> 96(10):5698-5703 (1999).
	14.	Chan et al., <i>Cell</i> 89:263-273 (1987).
	15.	Dalglish et al., <i>Nature</i> 312:763-767 (1984).
	16.	Deng et al., <i>Nature</i> 381:661-666 (1996).
	17.	Donzella et al., <i>Nat. Med.</i> 4:72-77 (1998).

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.